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9 | Attorneys For Plaintiffs and the Proposed Plaintiff Class

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 ||| In Re WAL-MART STORES, INC. WAGE
AND HOUR LITIGATION

Case Numbers: C 06 02069 SBA

CLASS ACTION

16 | This Document Relates To:

ADMINISTRATIVE MOTION FOR LEAVE TO
FILE MEMORANDUM OF POINTS &
AUTHORITIES IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT THAT EXCEEDS
APPLICABLE PAGE LIMITATION;
DECLARATION IN SUPPORT THEREOF;
STIPULATION THERETO BY DEFENDANT;
ORDER

17 Case Nos.

17 | Case Nos.

18 C 06 02069 SBA (Smith) and
CV 06 05411 (SBA) Ballard

22 Comes now the plaintiffs, for themselves and on behalf of the proposed plaintiff class, and,
23 pursuant to Civil Local Rules, Rules 7-11, and 7-4, move this Court for leave to file points and
24 authorities in support of their motion for preliminary approval of class settlement which exceed the
25 applicable 25-page limit established by Rule 7-4 by five pages (for a total of 30 pages). Defendant
26 has stipulated to the relief requested, which stipulation is set forth below.

27 || In support thereof, plaintiffs submit the following:

I. Good Cause Exists For the Requested Relief.

Plaintiffs' motion for preliminary approval is due today, May 11, 2010. While plaintiffs have attempted in earnest and good faith to limit the points and authorities that support their motion to 25 pages, the issues to be addressed by the motion are simply too many and too complex to fit within that page limit. The brief includes a detailed discussion of the nature of the case and history of proceedings, a description of the settlement terms, a motion to certify a settlement class, a summary of the proposed claims administration procedure, including class notice, and a description of the attorneys' fees and class representative enhancement awards being sought, including a summary of the justification therefore. Plaintiffs have edited their points and authorities to the maximum extent possible, while still providing enough information so that this Court can make a meaningful determination on the merits, as well as provide proper notice of the relief being sought, and still the points and authorities total 30 pages. Therefore, plaintiffs respectfully requests leave to file points and authorities in support of their motion for preliminary approval up to 30 pages in length.

II. Defendants Have No Objection to the Requested Relief.

15 Defense counsel has no objection to, and stipulates to the relief requested herein, which
16 stipulation is set forth below.

17 Wherefore, plaintiffs, on behalf of themselves and the proposed plaintiff class, seek leave of
18 court to file a memorandum of points and authorities in support of their motion for preliminary
19 approval up to 30 pages in length, and for such additional relief as this Court shall deem proper.

20 | Dated: May 11, 2010

**MARLIN & SALTZMAN, LLP
LAW OFFICES OF PETER M. HART
BAILEY PINNEY, PC**

By:

Louis M. Marlin of Marlin & Saltzman
Attorneys for Plaintiffs and the Class

**DECLARATION OF LOUIS M. MARLIN IN SUPPORT OF ADMINISTRATIVE
MOTION FOR LEAVE TO FILE POINTS AND AUTHORITIES
THAT EXCEED APPLICABLE PAGE LIMITS**

I, Louis M. Marlin, declare:

5 1. I am a principle of Marlin & Saltzman, LLP, counsel herein for plaintiffs and the plaintiff
6 class.

7 2. The facts set forth above in support of the administrative motion for leave to file points and
8 authorities that exceed the applicable page limit are true and correct, and based on my personal
9 knowledge. I have personally drafted and prepared the points and authorities, and the issues to be
10 addressed therein are too many, and too complex to fit within 25 pages, and still provide enough
11 information for the Court to consider, and to provide notice of the relief being sought.

12 3. I have spoken with defendant's attorneys about this matter, who have stated that they have no
13 objection to the relief herein requested, as reflected in the stipulation set forth below.

I declare under penalty of perjury that the above, and the facts set forth in the administrative motion, are true and correct. Executed this 11th day of May, 2010, at Irvine, California.

Louis M. Marlin

1 **STIPULATION TO PLAINTIFFS' ADMINISTRATIVE MOTION FOR LEAVE TO FILE**
2 **POINTS AND AUTHORITIES THAT EXCEED APPLICABLE PAGE LIMITS**

3
4 The undersigned, counsel herein for defendant Wal-Mart Stores, Inc., stipulate to the relief
5 herein requested, and specifically, that plaintiffs be given leave to file points and authorities in support
6 of their motion for preliminary approval up to 30 pages in length.

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8 Dated:

9 Julian W. Poon, Esq.
Gibson, Dunn and Crutcher

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**[PROPOSED] ORDER GRANTING ADMINISTRATIVE MOTION FOR LEAVE
TO FILE POINTS AND AUTHORITIES THAT EXCEED APPLICABLE PAGE LIMITS**

This matter having come before the Court on the administrative motion of plaintiffs to file point and authorities up to 30 pages in length in support of their motion for preliminary approval of class actions settlement, and the Court having given the matter due consideration, the Court does hereby grant said motion. Plaintiffs are permitted to file points and authorities in support of their motion for preliminary approval that do not exceed 30 pages in length.

9 | Dated: 5/17/10

Hon. Saundra B. Armstrong
United States District Court Judge